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**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

USA CAPITAL REALTY ADVISORS,  
LLC,

USA CAPITAL DIVERSIFIED TRUST  
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED  
FUND, LLC,

USA SECURITIES, LLC,

Debtors.

**Affects:**

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR  
Case No. BK-S-06-10729-LBR

**CHAPTER 11**

Jointly Administered Under Case No.  
BK-S-06-10725 LBR

**MOTION FOR ORDER REQUIRING  
BEAU RIVAGE HOMES FOR  
AMERICA, LLC, F/K/A AMALFI –  
HOMES FOR AMERICA, LLC TO  
PRODUCE ONE OR MORE  
REPRESENTATIVES FOR  
EXAMINATION PURSUANT TO  
FEDERAL RULE OF  
BANKRUPTCY PROCEDURE 2004**

[No hearing required]

Pursuant to Federal Rule of Bankruptcy Procedure 2004, the USACM Liquidating Trust (the “Trust” or “Movant”) hereby moves this Court for an order requiring Beau Rivage Homes for America, LLC, f/k/a Amalfi – Homes for America, LLC (“Beau Rivage”) to produce one or more representatives, as set forth in the subpoena to be issued

1 under Federal Rule of Bankruptcy Procedure 9016, to appear for examination at the office  
2 of Merrill Legal Solutions, 25 W. 45<sup>th</sup> Street, Suite 900, New York, New York 10036, on a  
3 business day no earlier than ten (10) business days after the filing of this Motion and no  
4 later than September 30, 2007, or at such other mutually agreeable location, date, and  
5 time, and continuing from day to day thereafter until completed.  
6

7 This Motion is further explained in the following Memorandum.

8  
9 **Memorandum**

10 The Movant seeks information concerning various transactions between Beau  
11 Rivage and USACM, the other debtors in the above-captioned cases (together with  
12 USACM, the “Debtors”), and the Debtors’ affiliates, subsidiaries, parents, or otherwise  
13 related entities. The Movant seeks this information to assist in the collection of the assets  
14 and the investigation of the liabilities of the Debtors.  
15

16 The requested discovery from Beau Rivage is well within the scope of examination  
17 permitted under Bankruptcy Rule 2004, which includes:

18 [t]he acts, conduct, or property or . . . the liabilities and financial condition  
19 of the debtor, or . . . any matter which may affect the administration of the  
20 debtor’s estate, or to the debtor’s right to a discharge. In a . . .  
21 reorganization case under chapter 11 of the Code, . . . the examination may  
22 also relate to the operation of any business and the desirability of its  
23 continuance, the source of any money or property acquired or to be acquired  
24 by the debtor for purposes of consummating a plan and the consideration  
25 given or offered therefore, and any other matter relevant to the case or to the  
26 formulation of a plan.<sup>1</sup>

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<sup>1</sup> FED.R. BANKR. P. 2004(b).

**Conclusion**

Accordingly, the Movant requests that this Court enter the form of order submitted with this Motion.

Dated: August 17, 2007.

**DIAMOND MCCARTHY LLP**

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